

FILED FOR RECORD
2020 SEP -3 PM 12:33
TARRANT COUNTY, TEXAS

**APPOINTMENT OF SUBSTITUTE TRUSTEE AND
NOTICE OF SUBSTITUTE TRUSTEE SALE**

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

**APPOINTMENT OF
SUBSTITUTE TRUSTEE:**

WHEREAS, in my capacity as the attorney for the Mortgagee and/or its Mortgage Servicer, and pursuant to Section 51.0076 of the Texas Property Code, I hereby name, appoint and designate Jack O'Boyle, Chris Ferguson, Travis Gray, Randy Daniel, Travis Gray, Chris Ferguson, or Jack O'Boyle, each as Substitute Trustee, to act under and by virtue of said Deed of Trust, including posting and filing the public notice required under Section 51.002 Texas Property Code as amended, and to proceed with a foreclosure of the Deed of Trust lien securing the payment of the Note.

**SUBSTITUTE TRUSTEE'S
ADDRESS:**

c/o JACK O'BOYLE & ASSOCIATES, Mailing Address: P.O. Box 815369, Dallas, Texas 75381;
Physical Address: 12300 Ford Road, Suite 212, Dallas, TX 75234.

**NOTICE OF SUBSTITUTE
TRUSTEE SALE:**

WHEREAS, default has occurred in the payment of said herein referenced indebtedness, and the same is now wholly due, and the Mortgagee and/or Mortgage Servicer has requested the hereinafter appointed Substitute Trustee to sell said property to the highest bidder for cash and to distribute or apply the proceeds of said sale in accordance with the terms of said Deed of Trust.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that on October 06, 2020 between the hours of 10am-1pm the Substitute Trustee will sell said real property at the place hereinafter set out and pursuant to the terms herein described. The sale will begin at the earliest time stated above or within three (3) hours after that time.

LOCATION OF SALE:

The place of the sale shall be: On the steps to the north entrance of the Van Zandt County Courthouse, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court in VAN ZANDT County, Texas or as designated by the County Commissioners.

**INSTRUMENT TO BE
FORECLOSED:**

Deed of Trust or Contract Lien dated 03/08/2006 and recorded under Volume, Page or Clerk's File No. INSTRUMENT NO. 2006-00032080 in the real property records of Van Zandt County Texas, with J D BALEY, AND WIFE LINDA R. BALEY as Grantor(s) and Countrywide Home Loans Inc. as Original Mortgagee.

OBLIGATIONS SECURED:

Deed of Trust or Contract Lien executed by J D BALEY, AND WIFE LINDA R. BALEY securing the payment of the indebtedness in the original principal amount of \$60,000.00 and obligations therein described including but not limited to the promissory note and all the modifications, renewals and extensions of the promissory note (the "Note") executed by J D BALEY, LINDA R. BALEY. THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-6 is the current mortgagee (the "Mortgagee") of the Note and Deed of Trust or Contract Lien.

**MORTGAGE SERVICING
INFORMATION:**

The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the property securing the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC is acting as the Mortgage Servicer for THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-6 who is the Mortgagee of the Note and Deed of Trust associated with the above referenced loan. CARRINGTON MORTGAGE SERVICES, LLC, as Mortgage Servicer, is representing the Mortgagee, whose address is:

THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK



4726370

AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-
BACKED CERTIFICATES, SERIES 2006-6
c/o CARRINGTON MORTGAGE SERVICES, LLC
1600 SOUTH DOUGLASS ROAD, SUITE 200-A
ANAHEIM, CA 92806

**LEGAL DESCRIPTION OF
PROPERTY TO BE SOLD:**

ALL OF THE FOLLOWING DESCRIBED PROPERTY:

TRACT I

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT NO 825, VAN ZANDT COUNTY, TEXAS, BEING ALL THAT CERTAIN CALLED 3.582 ACRE TRACT CONVEYED BY AULCIE MILLER TO LORENE MCLEAN IN DEED DATED APRIL 5, 1989, RECORDED IN VOLUME 1171, PAGE 296 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND ALL THAT CERTAIN CALLED 2.0 ACRE TRACT CONVEYED TO LORENE MCLEAN IN DEED DATED APRIL 18, 1989, RECORDED IN VOLUME 1171, PAGE 930 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A 3/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID CALLED 3.582 ACRE TRACT.

THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS EAST, A DISTANCE OF A 1184.21 FEET TO CROSS-TIE AT THE NORTHEAST CORNER OF SAID TRACT CALLED 2.0 ACRE TRACT.

THENCE SOUTH 0 DEGREES 16 MINUTES 58 SECONDS EAST, A DISTANCE OF 210.05 FEET TO A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF SAID CALLED 2.0 ACRE TRACT.

THENCE SOUTH 89 DEGREES 51 MINUTES 22 SECONDS WEST, A DISTANCE OF 209.04 FEET TO A FLAT IRON BAR FOUND FOR CORNER

THENCE NORTH 89 DEGREES 44 MINUTES 57 SECONDS WEST, A DISTANCE OF 939.59 FEET TO THE SOUTHWEST CORNER OF SAID CALLED 3.582 ACRE TRACT IN THE NORTH EDGE OF A CROSS-TIE.

THENCE NORTH 10 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 210.77 FEET TO THE PLACE OF BEGINNING AND CONTAINING 5.606 ACRES OF LAND.

TRACT II:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT NO. 825, VAN ZANDT COUNTY, TEXAS, BEING ALL THAT CERTAIN CALLED 2.334 ACRE EASEMENT DESCRIBED IN DEED FROM AULCIE MILLER TO LORENE MCLEAN, DATED APRIL 5, 1989, RECORDED IN VOLUME 1171, PAGE 296 OF THE DEED RECORDS OF VAN ZANDT COUNTY, TEXAS, AND BEING MORE COMPLETELY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID EASEMENT IN THE EAST LINE OF SAID JAMES SMITH SURVEY AND IN THE CENTERLINE OF COUNTY ROAD NO. 4608, FROM WHICH 3/8" IRON ROD FOUND BEARS SOUTH 89 DEGREES 51 MINUTES 22 SECONDS WEST, 35.0 FEET.

THENCE SOUTH 0 DEGREES 29 MINUTES 47 SECONDS EAST WITH SAID SURVEY LINE AND SAID CENTERLINE, A DISTANCE OF 59.69 FEET TO THE MOST EASTERN SOUTHEAST CORNER OF SAID EASEMENT, FROM WHICH A 3/8" IRON ROD FOUND BEARS SOUTH 89 DEGREES 51 MINUTES 22 SECONDS WEST, 35.0 FEET.

THENCE SOUTH 89 DEGREES 51 MINUTES 22 SECONDS WEST, A DISTANCE OF 625.82 FEET TO CORNER.

THENCE NORTH 89 DEGREES 44 MINUTES 57 SECONDS WEST, A DISTANCE OF 910.20 FEET TO AN ELL CORNER OF SAID EASEMENT.

THENCE SOUTH 0 DEGREES 15 MINUTES 03 SECONDS WEST, A DISTANCE OF 98.02 FEET TO THE MOST SOUTHERN SOUTHEAST CORNER OF SAID EASEMENT.

THENCE SOUTH 89 DEGREES 47 MINUTES 19 SECONDS WEST, A DISTANCE OF 60.0 FEET TO THE SOUTHWEST CORNER OF SAID EASEMENT.

THENCE NORTH 0 DEGREES 15 MINUTES 03 SECONDS EAST, A DISTANCE OF 158.16 FEET TO THE NORTHWEST CORNER OF SAID EASEMENT.

THENCE SOUTH 89 DEGREES 44 MINUTES 57 SECONDS EAST, A DISTANCE OF 969.98 FEET TO A PLAT IRON BAR FOUND FOR CORNER.

THENCE NORTH 89 DEGREES 51 MINUTES 22 SECONDS EAST, A DISTANCE OF 625.26 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.320 ACRE EASEMENT.

THE ABOVE FIELD NOTES WERE PREPARED FROM AN ACTUAL ON THE GROUND SURVEY MADE UNDER THE DIRECTION AND SUPERVISION OF RICHARD C. DAVIS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1794, DATED DECEMBER 23, 1996. (the "Property")

REPORTED PROPERTY

ADDRESS: 200 PRIVATE ROAD 8608. BEN WHEELER, TX 75754

TERMS OF SALE: The Substitute Trustee will sell the Property by public auction at the place and date specified herein.

Pursuant to Section 51.009 of the Texas Property Code, the property will be sold in "AS IS, WHERE IS" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the Deed of Trust. Prospective bidders are advised to conduct an independent investigation of the nature and physical condition of the property and the priority of the lien being foreclosed.

The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the Deed of Trust permitting the Mortgagee and/or Mortgage Servicer thereunder to have the bid credited to the Note up to the amount of the unpaid debt secured by the Deed of Trust at the time of sale.

Those desiring to purchase the property will need to demonstrate their ability to pay their bid immediately in cash if their bid is accepted.

The sale will be made expressly subject to any title matters set forth in the Deed of Trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the Deed of Trust. The sale shall not cover any part of the property that has been released of public record from the lien of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the priority, nature and extent of such matters, if any.

In the event of a defect or other problem with the foreclosure process is discovered that may invalidate the sale, the consideration paid will be returned to the purchaser as the sole and absolute remedy. In the event of any claim or action brought by any person including the purchaser requiring or resulting in the invalidation of the sale and rescission of the Trustee's Deed or Substitute Trustee's Deed, purchaser's damages resulting therefrom are limited to the consideration paid to the Trustee or Substitute Trustee and the sole and absolute remedy shall be the return to purchaser of the consideration paid. The purchaser shall have no further recourse against the Trustee, Substitute Trustee, Mortgagee and/or Mortgage Servicer, or its attorney(s).

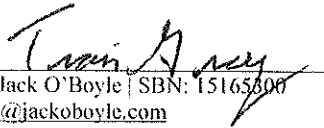
The Deed of Trust permits the Mortgagee and/or Mortgage Servicer to postpone, withdraw, or reschedule the sale for another day. In that case, the Trustee under the Deed of Trust or Substitute Trustee appointed herein need not appear at the date, time and place of a scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Texas Property Code. The reposting or refiled may be after the date originally scheduled for this sale.

ASSERT AND PROTECT YOUR RIGHTS AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF YOU ARE OR YOUR SPOUSE IS SERVING ON ACTIVE MILITARY DUTY, INCLUDING ACTIVE MILITARY DUTY AS A MEMBER OF THE TEXAS NATIONAL GUARD OR THE NATIONAL GUARD OF ANOTHER STATE OR AS A MEMBER OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES, PLEASE SEND WRITTEN NOTICE OF THE ACTIVE DUTY MILITARY SERVICE TO THE SENDER OF THIS NOTICE IMMEDIATELY.

Signed on the 31 day of August, 2020.

Respectfully,

JACK O'BOYLE & ASSOCIATES, PLLC



Jack O'Boyle | SBN: 15165800
jack@jackoboyle.com

Travis H. Gray | SBN: 24044965
travis@jackoboyle.com

Chris S. Ferguson | SBN: 24069714
chris@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR MORTGAGEE AND/OR ITS MORTGAGE
SERVICER

CERTIFICATE OF POSTING

My name is _____, and my address is c/o 12300 Ford Rd, Ste. 212, Dallas, TX 75234. I declare under the penalty of perjury that on _____ I filed at the office of the Van Zandt County Clerk and caused to be posted at the Van Zandt County courthouse (or other designated place) this notice of sale.

Signed: _____

Declarant's Name: _____

Date: _____

ALL OF THE FOLLOWING DESCRIBED PROPERTY:

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GROUND SURVEY MADE UNDER THE DIRECTION AND SUPERVISION
OF RICHARD C. DAVIS, REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1794, DATED DECEMBER 23, 1996.

5. The lien to be foreclosed is indexed or recorded at Number INSTRUMENT NO. 2006-
00032080, and recorded in the real property records of Van Zandt County, Texas.

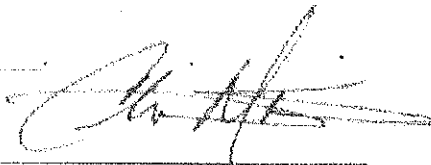
6. The material facts establishing Respondent(s)'s default are alleged in Petitioner's application and the supporting affidavit. Those facts are adopted by the Court and incorporated by reference in this order.

7. Based on the affidavit of Petitioner, no Respondent subject to this order is protected from foreclosure by the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.

8. Therefore, the Court grants Petitioner's motion for a default order under Texas Rules of Civil Procedure 736.7 and 736.8. Petitioner, its successors and assigns, may foreclose on the lien described above in accordance with applicable law and the loan agreement, contract, or lien sought to be foreclosed.

9. This order is not subject to a motion for rehearing, new trial, bill of review, or appeal. Any challenge to this order must be made in a separate, original proceeding filed in accordance with Texas Rule of Civil Procedure 736.11.

SIGNED this ____ day of 8/28/2020 9:19 AM, 20____



HONORABLE JUDGE PRESIDING

SUBMITTED BY:

JACK O'BOYLE & ASSOCIATES

/s/ Travis H Gray

Travis H Gray

SBN: 24044965

travis@jackoboyle.com

P.O. Box 815369

Dallas, Texas 75381

P: 972.247.0653 | F: 972.247.0642

ATTORNEYS FOR PETITIONER

THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-6